

SENATE CHAMBER,  
AUSTIN, TEXAS, May 29, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

Senator Sayers, chairman of Committee on Public Lands, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Lands, to whom was referred House bill No. 949, to be entitled "An act to secure uniformity in the courses and measurement of lines by surveyors," have carefully examined the same, and recommend its passage with the accompanying amendment.

J. D. SAYERS, Chairman.

Amend by inserting after the word "meridian," in line seven, section one, the following: "by a substantial monument to be erected at the expense of the county."

Senator Dohoney moved a suspension of the rules to consider the bill and report. Carried.

The bill was read second time, and the amendment recommended by the committee adopted.

The bill was then passed to a third reading; rules suspended, read third time and passed.

Senator Sayers submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 105, to be entitled "An act to create a new land district," have had the same under consideration, and recommend that it do not pass.

J. D. SAYERS, Chairman.

Senator Swift submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your special committee, to whom was referred House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," instruct me to report the same back and recommend its passage with the accompanying amendment.

W. H. SWIFT, Chairman.

Add to end of section two: "To heirs of David N. Burke, deceased, a donation for six hundred and forty



acres ; to Christiana Garland for one league and one labor of land ; to Samuel B. Haygood for three hundred and twenty acres of land ; to the heirs of George W. Miller for three hundred and twenty acres ; to Caroline A. Stevens for six hundred and forty acres ; to the heirs of Catlett Burnett, deceased, for six hundred and forty acres ; to R. H. Walker for one-third of a league, and also for twelve hundred and eighty acres ; to the heirs of John James for the number of John James' league, titled October 25, 1834, which are in conflict with other titles ; to Eliza Ann King, assignee of Richard Lowe, for six hundred and forty acres in lieu of certificate No. 455 ; to Francis Ann Day, assignee of Lambert Smith, for six hundred and forty acres in lieu of conditional certificate No. 63 ; to John W. McElroy for six hundred and forty acres ; to the heirs of P. H. Coe for six hundred and forty acres ; to Benjamin C. Franklin for three hundred and twenty acres in lieu of bounty warrant No. 2984, also three hundred and twenty acres in lieu of No. 2981, also for three hundred and twenty acres of No. 2980 ; to S. A. Merchant for three hundred and twenty acres ; to the heirs of James N. Shell, deceased, for six hundred and forty acres bounty, also for six hundred and forty acres donation ; to the heirs of David Huffman, deceased, for one league of land ; to the heirs or assigns of William Stephens an unconditional certificate for six hundred and forty acres of land as his headright."

On motion of Senator Swift, the rules were suspended, and the report and bill taken up.

The bill was read second time.

Senator Dohoney offered the following amendment, viz.: Amend by inserting "a certificate for three hundred and twenty acres to George W. Miles." Adopted.

Senator Shelley offered the following amendment: Add, "M. Hooker, assignee of J. Daweyaud, 1280 acres; James Hays, 640 acres; George Stewart, 640 acres; James Bly, 320 acres." Adopted.

On motion of Senator Swift, the further consideration of the bill was postponed to 4 o'clock P. M.

Senator Sayers, chairman of the Committee on Public Lands, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 134, "An act to create a new land



district," have considered said bill, and recommend that it do not pass.

J. D. SAYERS, Chairman.

Senator Dillard in the chair.

A message was received from the House informing the Senate of the passage by the House of the following bills:

Senate bill No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said courts."

Senate bill No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county."

Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment."

Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

Substitute for House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railroad Company."

House bill No. 961, "An act to amend sections twenty-nine and forty-three of an act concerning private corporations, approved December 2, 1871."

House bill No. 956, "An act to provide for testing and purchasing of Jas. G. G. Garrett his patent right improvement in insect destroyers."

Also that the House concurred in Senate amendments to House bill No. 851, "An act to provide for holding an election for county officers in Waller county, and authorizing commissioners to hold the same."

Also of the passage of Senate concurrent resolution tendering thanks to General McKenzie, of the United States Army, and the officers and men under his command, for chastising the Kickapoo Indians.

On motion of Senator Fountain, Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages," with amendments by the House, taken up, and the Senate concurred in the amendments of the House.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 637, to be entitled "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county," have carefully considered the same, and I am instructed to report it back and recommend that it do pass.

N. G. SHELLEY, Chairman.

Senator Latimer reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and compared the following Senate bills, to-wit:

No. 79, "An act to provide for the ascertainment and payment of the liabilities of the county of Washington."

No. 266, "An act for the relief of the heirs of Augustus W. Shipley."

No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas,"

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: On yesterday, at 10 o'clock A. M., I, on behalf of the Committee on Enrolled Bills, presented to his Excellency the Governor, for his approval, the following Senate bills, to-wit:

No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased."

No. 248, "An act to empower the Commissioner of the General Land Office to issue to Willett Holmes a head-right certificate of one league and labor of land."

No. 240½, "An act to incorporate the Burleson Male and Female Academy in Bastrop county."

H. R. LATIMER, Chairman.

Senator Finlay, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 907, to be entitled "An act supplementary and amendatory to an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 410, to be entitled "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 948, to be entitled "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866," having considered the same, I am instructed to report it back and recommend its passage, with the accompanying amendment.

GEO. P. FINLAY, Chairman *pro tem.*

Amend section one by striking out all said section after the word "order," in line twenty.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 942, to be entitled "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county," having considered the same, ask leave to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 917, to be entitled "An act to prohibit the sale of spirituous or intoxicating liquors within three miles of Bordenville, in Colorado county, Texas," having considered the same, ask leave to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 548, to be entitled "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870," having considered the same, ask leave to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was



referred House bill No. 918, to be entitled "An act for the protection of life and property from the use of explosive kerosene and other inferior illuminating oils," having considered the same, ask leave to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 321, to be entitled "An act to incorporate the Houston City Park," have considered the same, and instruct me to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 313, to be entitled "An act to incorporate the Crittenden Business College," have considered the same, and instruct me to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

Senator Avinger, chairman *pro tem.* of the Committee on State Affairs, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 340, entitled "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof, approved April 15, 1873," having considered the same, ask leave to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

On motion of Senator Avinger the rules were suspended and the bill and report taken up.

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Finance, to whom was referred House bill No. 937, to be entitled "An act supplemental to and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873," have carefully

considered the same, and I am instructed to report it back to the Senate and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Shelley, chairman of the Committee on Public Buildings, reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Buildings, to whom was referred joint resolution in relation to the rooms in the Capitol Building, have carefully considered the same, and I am instructed to report it back with the recommendation that it do pass.

N. G. SHELLEY, Chairman.

Senator Finlay, chairman of Judiciary Committee No. 2, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 360, to be entitled "An act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman," having carefully considered the same, ask leave to report it back and recommend that it do pass.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 285, to be entitled "An act to validate headright land certificate No. 102, dated February 15, 1838, issued to Walter Campbell, for three hundred and sixty-nine acres of land instead of three hundred and seventy and one-third acres, as now stated in said certificate," having considered the same, ask leave to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 931, to be entitled "An act supplemental to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman.

A message was received from the House informing the



Senate of the passage by the House of the following bills:

Senate bill No. 227, "An act requiring the Treasurer of the State to receive all payments due on all notes given by purchasers of university lands sold under the provisions of an act for the disposition and sale of university lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands."

And that the House refused to adopt the Senate substitute for House bill No. 441, "An act making an appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872."

On motion of Senator Baker the rules were suspended to take up House bill No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed.

On motion of Senator Finlay the rules were suspended to take up House bill No. 637, "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Pyle offered the following resolution, which was adopted:

*Resolved*, That the secretary of the Senate be and he is hereby authorized and required to issue a certificate to the agent of Bailey Daugherty for the mileage and per diem pay of said Daugherty as a witness in the impeachment case against John G. Scott, Judge of the Tenth District, upon the affidavit of the said agent to the facts of the said Daugherty's attendance as a witness as aforesaid.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed:

Senate joint resolution No. 46, granting leave of ab-



sence from the State to the Hon. M. B. Walker, Judge of the Supreme Court, from the adjournment of the present session of the Supreme Court until the assembling of the next term of the same.

Senate joint resolution No. 45, for the relief of Mrs. Belle Murray.

Substitute for House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

HENRY C. KING, Chairman.

On motion of Senator King the rules were suspended to take up Senate bill No. 339, "An act to amend sections thirty-three and three hundred and four of an act prescribing the mode of proceeding in district courts in matters of probate."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Pyle introduced a bill to be entitled "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed.

On motion of Senator Cole the rules were suspended to take up House bill No. 386, "An act to validate a certain land certificate therein named."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Fountain, Franks, Gaines, Henry, King, Latimer, Pyle, Rawson, Ruby, Sayers, Swift and Tracy—19.

Nays—Senator Word—1.

House bill No. 940, "An act to better protect the papers, records and files in the General Land Office," was taken from the President's desk and referred to the Committee on Public Lands.

On motion of Senator Tracy the rules were suspended to take up Senate joint resolution No. 38, for the relief of John G. Todd, captain of the navy of the Republic of Texas.



The resolution was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Doherty, Evans, Finlay, Fountain, Gaines, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Tendick, Tracy and Word—20.

By leave, Senator Cole submitted the following report:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 338, "An act for the relief of J. M. Douglas, assignee of John H. Updike, have carefully considered the same, and instruct me to report the same back and recommend that it do pass.

D. W. COLE, Chairman.

By leave, Senator Gaines withdrew his motion made on yesterday to reconsider the vote passing House bill No. 291, and to lay that motion on the table.

By leave, Senator Shelley introduced a bill to be entitled "An act to give district courts jurisdiction in certain cases." The bill was read first time and referred to Judiciary Committee No. 2.

On motion of Senator Gaines, the rules were suspended to take up House bill No. 770, "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873." The bill was read second time and passed to a third reading; rules suspended, the bill read third time and passed.

On motion of Senator Sayers, House bill No. 441, making an appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872, with Senate amendments, was taken up, and on motion of Senator Sayers, the Senate adhered to its amendments, and the following conference committee appointed, viz.: Senators Sayers, Henry and Shelley.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, May —, 1873.

*To the Honorable Senate and House of Representatives  
of the State of Texas:*

GENTLEMEN: I have the honor to inform you that the



following named acts have been received by me and approved, viz.:

House bill No. 171, "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March 31, 1871," approved May 14, 1873.

Senate bill No. 297, "An act for the relief of R. C. Hunt," approved May 14, 1873.

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, A. D. 1871," approved May 14, 1873.

House bill No. 424, "An act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," approved May 14, 1873.

Senate bill No. 305, "An act to incorporate the Texas Land and Colonization Company," approved May 14, 1873.

House bill No. 274, "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan, approved November 29, 1871," approved May 14, 1873.

House bill No. 381, "An act to incorporate the town of Ladonia, in Fannin county," approved May 14, 1873.

House bill No. 392, "An act to incorporate the Garden Valley Seminary in Smith county, Texas," approved May 14, 1873.

Senate bill No. 111, "An act to provide for supplying the records of Lampasas county destroyed by fire," approved May 14, 1873.

Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas," approved May 15, 1873.

Senate bill No. 254, "An act to incorporate the city of El Paso," approved May 17, 1873.

Senate bill No. 351, "An act making an additional appropriation to pay the *per diem* and mileage of witnesses in the case of the impeachment of Judge John G. Scott, and other expenses incident to said case," approved May 17, 1873.

Senate bill No. 241, "An act to amend sections thirteen (13), fourteen (14), sixteen (16) and seventeen (17) of an act entitled an act to incorporate the town of Palestine, in Anderson county," approved May 17, 1873.



Senate bill No. 136, "An act to amend Article 766 of the Penal Code," approved May 17, 1873.

Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas," approved May 17, 1873.

House bill No. 912, "An act to amend an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," approved May 17, 1873.

House bill No. 754, "An act to incorporate the Board of Trustees of Centreville Academic School," approved May 17, 1873.

Senate bill No. 263, "An act to incorporate the town of Zavala, in the county of Smith," approved May 17, 1873.

Senate bill No. 301, "An act making an appropriation for the payment of the State police and employes," approved May 17, 1873.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas, and elsewhere within the State, approved June 10, 1870," approved May 19, 1873.

House bill No. 297, "An act to prevent horse racing in certain places," approved May 19, 1873.

House bill No. 915, "An act to provide for the registration of the voters in the city of Denison, Grayson county, State of Texas," approved May 21, 1873.

House bill No. 723, "An act to reincorporate the city of Corpus Christi," approved May 22, 1873.

House bill No. 934, "An act to provide for a special election in the city of Dallas," approved May 23, 1873.

House bill No. 853, "An act supplementary to and amendatory of an act entitled an act to reincorporate the city of Corpus Christi," approved May 24, 1873.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," approved May 24, 1873.

House bill No. 850, "An act prescribing the times of holding general elections in this State," approved May 26, 1873.

The following bills not having been returned by me to the house in which they originated within the time prescribed by the Constitution have become laws without my approval, to-wit:



House bill No. 605, "An act to authorize Ezra Carpenter, his associates and successors, to construct, own and keep a toll bridge on Big Cypress," passed April 13, 1873.

House bill No. 468, "An act for the relief of J. Lancaster," passed April 30, 1873.

House bill No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866," passed May 3, 1873.

House bill No. 747, "An act to authorize the county Court of Freestone county to levy and collect a special tax for the purpose of repairing the court house and jail in said county," passed May 3, 1873.

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of the Linn Flat High School House, in Nacogdoches county," passed May 5, 1873.

House bill No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, A. D. 1871," passed May 5, 1873.

House bill No. 156, "An act to authorize the Commissioner of the General Land Office to issue a patent to four millions eight hundred and forty thousand square varas of land, located in San Augustine county, by virtue of the grant of land made to John B. Dillard on the twelfth day of December, 1835, and to validate the said survey," passed May 6, 1873.

House bill No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry-boat at the Spivey crossing on Trinity river, in Henderson county and Navarro county," passed May 6, 1873.

House bill No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston, State of Texas," passed May 6, 1873.

House bill No. 573, "An act to validate the municipal election held in the town of Crockett, county of Houston, on the fifth, sixth, seventh and eighth days of November, A. D. 1872," passed May 6, 1873.

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein," passed May 6, 1873.

House bill No. 264, "An act to authorize the Police Court of Ellis county to levy a special tax for the purpose of building a jail," passed May 6, 1873.



House bill No. 665, "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mount Enterprise in Rusk county," passed May 6, 1873.

House bill No. 416, "An act to prohibit the sale of spirituous liquors within six miles of the Davilla Institute, in the county of Milam, except for medicinal or sacramental purposes," passed May 6, 1873.

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county," passed May 6, 1873.

House bill No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas," passed May 6, 1873.

House bill No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county," passed May 6, 1873.

House bill No. 498, "An act for the relief of the heirs of Charles Forrister," passed May 6, 1873.

House bill No. 126, "An act for the relief of A. S. Thurmond," passed May 6, 1873.

House bill No. 756, "An act to authorize the Police Court of Denton county to levy a special tax to build a court house," passed May 6, 1873.

House joint resolution No. 53, "Joint resolution authorizing the Hon. J. G. Killough to draw the pay of the Hon. Louis Frankee, deceased," passed May 6, 1873.

House bill No. 320, "An act to authorize the County Court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings and to fund the present indebtedness of said county," passed May 6, 1873.

House bill No. 473, "An act to authorize the County Court of Bell county to issue interest-bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county," passed May 6, 1873.

House bill No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas," passed May 6, 1873.

House bill No. 457, "An act for the relief of Michael B. Boteham," passed May 6, 1873.

House bill No. 575, "An act for the relief of the estate of John T. Story," passed May 6, 1873.



House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," passed May 2, 1873.

House bill No. 304, "An act to validate bounty land warrant issued to John B. Fox," passed May 7, 1873.

Senate bill No. 258, "An act to amend sections seven, ten, and twenty of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant lands to said company to aid in the construction of its road," passed May 7, 1873.

Senate bill No. 271, "An act for the relief of C. C. De Witt, and other persons therein named," passed May 7, 1873.

House bill No. 429, "An act to authorize H. B. Boston, Alex. Hamilton, and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, in the county of De Witt, Texas," passed May 7, 1873.

House bill No. 664, "An act to amend section three of an act entitled an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871," passed May 7, 1873.

House bill No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and a half miles of Sylvan Academy, in Lamar county," passed May 7, 1873.

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county," passed May 7, 1873.

House bill No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors, within three miles of Roxton Chapel and Seminary, in Lamar county," passed May 7, 1873.

House bill No. 200, "An act granting a charter to James A. Mitcham and H. L. Gilmore, to erect, keep and run a ferry-boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county," passed May 7, 1873.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," passed May 8, 1873.

House bill No. 489, "An act to aid in the construction



of the Atlantic and Pacific Railroad," passed May 9, 1873.

House bill No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds," passed May 9, 1873.

Senate bill No. 293, "An act for the relief of A. Horrell," passed May 12, 1873.

Senate bill No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof," passed May 12, 1873.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red River," passed May 12, 1873.

Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," passed May 12, 1873.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Latimer the rules were suspended to take up House bill No. 396, "An act granting H. M. Mathis, principal, and Col. L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Daingerfield High School, in Titus county, Texas, the privilege of granting diplomas to students, who complete the course of study established by the principal and faculty of the institution."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, May 28, 1873.

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I respectfully ask the advice and consent of your honorable body to the following appointment, to-wit:

W. D. C. Nelson, agent to take charge of the legisla



tive halls, and committee rooms, and the furniture therein, and of the Capitol grounds, etc.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Sayers, the rules were suspended, and House bill No. 366 was taken up, read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Dohoney, Senate bill No. 104, a bill to provide against the evils resulting from the sale of intoxicating liquor in the State of Texas, was taken up.

Senator Sayers moved to indefinitely postpone the bill. Lost by the following vote:

Yeas—Senators Broughton, Cole, Dillard, Finlay, King, Pyle, Rawson, Sayers, Shelley and Tendick—10.

Nays—Senators Avinger, Baker, Ball, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Henry, Latimer, Randle, Ruby, Saylor, Swift and Word—16.

The bill was ordered engrossed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Ford, Fountain, Franks, Gaines, Hall, Henry, Randle, Swift and Word—14.

Nays—Senators Broughton, Cole, Dillard, Finlay, King, Latimer, Pyle, Rawson, Saylor, Sayers, Shelley and Tendick—12.

Not voting—Ruby and Mr. President.

Senator Cole introduced a bill for the relief of James Henderson. Read first time and referred to the Committee on Private Land Claims.

On motion of Senator Baker, the rules were suspended, and House bill No. 955, "An act to prohibit the sale of liquors within three miles of the town of Rancho, in Gonzales county," was taken up, read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Saylor, the rules were suspended, and House bill No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax to complete the court house," was taken up, read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Finlay, the rules were suspended, and House bill No. 114, "An act to amend the first section of an act to provide for the creating of two counties



out of the territory now embraced in the limits of Refugio county, and to provide for their organization, passed September 18, 1871," was taken up, read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Henry, the rules were suspended, and Senate bill No. 245, "An act to authorize the sale of a portion of the public domain," was taken up, read second time and ordered engrossed; rules further suspended, read third time and passed.

On motion of Senator King, the rules were suspended, and House bill No. 663, "An act to provide for the protection of life and property in certain counties in this State," was taken up and read second time.

Senator Fountain offered the following amendment: Add to section four, "*Provided*, that the posse herein provided for in each county shall be subject to the order of the sheriff in every case, when the sheriff may be authorized to call to his aid a posse of his county." Adopted.

Senator Fountain offered the following substitute for section thirteen: "That the sum of two hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act." Adopted.

Senator Swift offered the following amendment: Amend by inserting "one hundred constables out of the Fourth Congressional District at eight dollars per day." Laid on the table by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Saylor, Sayers, Shelley, Swift and Word—20.

Nays—Senators Avinger, Ruby and Tracy—3.

Not voting—Senators Evans, Ford, Latimer, Tendick and Mr. President.

The bill passed to a third reading; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Cole, Ford, Finlay, Fountain, Franks, Gaines, King, Pyle, Randle, Ruby, Saylor, Sayers, Shelley and Mr. President—16.

Nays—Senators Dillard, Dohoney, Evans, Henry, Rawson, Swift, Tracy and Word—9.

Not voting—Senators Broughton, Latimer and Tendick.



On motion of Senator Randle the rules were suspended, and House bill No. 876, "An act to incorporate Nava-sota Real Estate and Building Association," was taken up, read second time and passed to a third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Evans, Ford, Finlay, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Sayers, Shelley, Tendick, Tracy and Word—19.

Nays—Senator Gaines—1.

Not voting—Senators Broughton, Fountain, Franks, Ruby, Swift and Mr. President.

On motion of Senator Hall the rules were suspended, and House bill No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Ford, House bill No. 902, "An act to amend the first section of an act to amend the thirty-fourth and thirty-sixth sections of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871," was taken up, read second time.

Senator Ford offered the following amendment: Amend so as to read, as to terms in Limestone, after the words "time fourteen weeks," "except said term commencing second Monday in June, shall continue in session only one week." In line seventeen, as to terms in Falls, after the word "weeks" add "except said terms commencing on the fourth Monday after the second Monday in June, shall continue in session only one week." As to terms in McLennan, after the words "disposed of" in line twenty, add "except said term commencing on the eighth Monday after the second Monday in June, which shall continue in session only one week."

The hour having arrived for the special order, on motion of Senator Evans it was postponed for half an hour.

On motion of Senator Evans the rules were suspended, and House bill No. 94, "An act for the relief of the heirs of Geo. W. Miller, deceased, was taken up, read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:



Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tenedick and Word—21.

Not voting—Senators Broughton, Ford, Fountain, Saylor, Swift, Tracy and Mr. President.

On motion of Senator Sayers, the rules were suspended, and House bill No. 364, "An act to validate the quadruplicate certificate for one league and one labor, issued April 4, 1872, to the heirs of Naham Mixon, deceased," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Word, the rules were suspended, and House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road," was taken up, read first time, and made special order for 4 o'clock to-morrow, and one hundred copies ordered printed.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: On behalf of your Committee on Enrolled Bills, I did, to-day at 10:25 o'clock A. M., present to his Excellency the Governor the following Senate bills, for his signature and approval, to-wit:

No. 79, "An act to provide for the ascertainment and payment of the liabilities of the county of Washington."

No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas."

No. 266, "An act for the relief of the heirs of Augustus W. Shipley."

H. R. LATIMER, Chairman.

A message was received from the House informing the Senate that the House had passed the following House bills:

No. 952, "An act for the protection of the farming interest of a certain portion of Cooke county."

No. 793, "An act for the relief of the heirs of Frederick Rowe, deceased."

On motion of Senator Avinger, the rules were suspended, and House bill No. 570, "An act to create the county of Wegefath," was taken up, read second time, and passed to a third reading; rules suspended, read third time and passed.

Senator Cole reported as follows:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 776, to be entitled "An act to prevent the herding of stock on certain lands therein named," have carefully considered the same, and instruct me to report it back and recommend that it do pass.

D. W. COLE, Chairman.

On motion of Senator Baker, the rules were suspended, and the report and bill taken up.

The bill was read second time and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Henry, the rules were suspended, and House bill No. 223, "An act for the relief of A. T. Watts," was taken up, read second time and passed to third reading.

The rules were suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Sayers, Shelley, Swift, Tendick, Tracy and Word—23.

Not voting—Senators Broughton, Hall, Randle, Ruby and Mr. President.

On motion of Senator Franks, the rules were suspended, and House bill No. 930, "An act to amend an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

Also, called up House bill No. 931, "An act supplemental to and amendatory of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871," which was read second time and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Shelley the special order was referred to a select committee consisting of Senators Shelley, Fountain and Henry.

A message was received from the House informing the Senate that the House had appointed Representatives Morris, Prendergast and Kleberg a committee of conference on disagreement between the two houses on House bill No. 441, "An act making appropriation for the support of the State government for the fiscal year 1872-3."



Senator King called up Senate bill No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds for funding the present indebtedness of the county." Read second time.

Senator King offered a substitute for the bill, which was adopted and ordered engrossed.

The rules were suspended, read third time and passed.

On motion of Senator Shelley the rules were suspended, and Senate bill No. 210, "An act to change the boundary line between the counties of Burnet and Lampasas," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Pyle the rules were suspended, and House bill No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill," was taken up, read second time, and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Ball, the rules were suspended, and House bill No. 470, "An act to compensate A. S. Mangum for services rendered as a soldier in the Republic of Texas," was taken up, read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—24.

Senator Finlay submitted the following report:

*Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

Sirs: The joint committee appointed by the two houses to take into consideration the financial condition of the State, and report some measure by which to meet the deficiency in the revenue, have considered the same, and instruct us to report a bill to effect a loan of nine hundred thousand (\$900,000) dollars on the bonds heretofore issued; four hundred under act of August 5, 1870, and five hundred under act of December 2, 1871. These bonds have been issued and are now ready for sale. The bill provides for a settlement of the claim of Williams & Guion, amounting to about \$350,000, out of the first money that may be realized from the sale of said bonds, and the residue to be paid into the treasury of the State to meet



appropriations made for the support of the State government, excepting claims and appropriations for the common schools, which are provided for by special legislation, etc. The ten per cent. revenue bonds issued under act of May 19, 1871, are directed to be taken up from Williams & Guion, canceled and destroyed, for the reason that they will in a short time be due, and a sale of them will give the State but short relief.

We believe the amount that will be realized from the sale of said bonds will meet the wants of the treasury for this fiscal year, and therefore we recommend the passage of the bill here reported.

A. J. FOUNTAIN,  
GEO. P. FINLAY,  
JOHN L. HENRY,  
Senate Committee.  
GEO. W. SMITH,  
J. W. CARROLL,  
W. W. MORRIS,  
House Committee.

On motion of Senator Fountain the rules were suspended and the report and bill taken up.

The bill was read first and second times.

Senator Finlay proposed to amend by filling the blank with "two per cent." Carried, and the bill ordered engrossed; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Hall, Henry, Pyle, Ruby, Saylor, Sayers, Shelley, Swift, Tenedick and Word—21.

On motion of Senator Baker, the Senate adjourned to 4 o'clock P. M.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called: quorum present.

Senator Dohoney submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

Sir: Your Committee on Public Lands, to whom was referred House bill No. 940, to be entitled "An act to better protect the papers, records and files in the General Land Office," have had the same under consideration.



and instruct me to report the same back, and recommend its passage with the accompanying amendment.

E. L. DOHONEY, for Committee.

Amend section seven by adding at the end of said section, "*Provided*, such party is not barred of all right by lapse of time; *and provided further*, that such party has not already obtained patents elsewhere for all" \* \* \*  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 668, to be entitled "An act amendatory of and supplemental to an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871," have had the same under consideration, and instruct me to report the same back and recommend its passage.

E. L. DOHONEY, Chairman *pro tem*.

A message was received from the House informing the Senate that the House had adopted the report of the conference committee on House bill No. 453, "An act regulating taxation."

Senator Shelley submitted the following report:

*Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIRS: Your committee of conference, to whom was referred the matters of difference between the two houses on House bill No. 453, to be entitled "An act regulating taxation," have carefully considered the same, and we are instructed to report as follows, to-wit:

To the first amendment of Senate to section one the House concurs.

Substitute second amendment of Senate to section one, as follows: Also add to section one the following, to-wit: "*Provided*, That the tax herein levied shall include all special assessments required by any law, now in force, to be made by the Comptroller, to provide for the payment of interest and sinking fund, on bonds authorized to be issued by the State of Texas under any previous law; and the Comptroller is hereby required to set apart a sufficient per cent. of the tax, herein assessed and collected, to cover said interest and sinking fund, and shall make his deposit, warrants specifying the same; *provided*, the interest and two per cent. sinking fund on principal, provided for in this act, on bonds issued un-



der the provisions of the following acts, and no others," to-wit: "An act to provide for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier," approved August 5, 1870; "An act to provide for the payment of the public debt of the State of Texas," approved May 2, 1871; "An act to authorize the Governor to prepare and issue bonds, to an amount sufficient to meet any deficiency in receipts of the revenue for the years 1871 and 1872, and also providing for the payment of said bonds, and interest thereon," approved May 19, 1871, except forty-three bonds issued under this act, declared by the Governor to be fraudulently obtained and held; "An act to ascertain the amount of, and adjusting and funding the State debt, and to state any and all accounts between the State and individuals," approved November 9, 1866; such bonds and certificates validated and ascertained under this act, as were validated under the aforerecited act, May 2, 1871; and such other bonds as may be authorized to be issued, or sold, by any act of the present Legislature.

Amend Senate amendment to section three, by striking out the words "three hundred," and insert the words "two hundred." Also amend Senate amendment to section three, by striking out the word "fifty," in lines nine and ten, of Senate printed bill, and insert the words "one hundred," so that the section will read, "in quantities over one quart and less than ten gallons, one hundred dollars."

Your committee further recommend that the House concur in Senate amendment to section three, lines eighteen and nineteen, of Senate printed bill.

That the Senate recede from its amendment to section three, lines one hundred and eighty-four to one hundred and eighty-seven inclusive, and your committee recommend that the words "two dollars and fifty cents," in line one hundred and eighty-six, printed bill, be stricken out, and the words "one dollar" inserted.

That the House concur in Senate amendment to section three, line twenty-four, inserting after the word "dollars," the words "from every skating rink used for profit, ten dollars."

That the House concur in Senate's fifth amendment to section three.



That the House concur in Senate's sixth amendment to section three.

Your committee recommend substitute for Senate's seventh amendment to section three, by striking out the words "five hundred," in lines one hundred and forty-one and one hundred and forty-two, printed bill, and inserting the word "ten."

That the House concur in Senate's eighth amendment to section three.

That the Senate recede from its amendment to section eight.

Your committee recommend additional amendment to House bill by inserting after the word "rings," and before the word "provided," in line seventy, printed bill, the words "wharves, wharf privileges and ship yards; and the enumeration herein shall not be so construed as to exclude any other property having an ascertainable value, and which is not specially exempted herein: *provided*, notes and accounts shall not be included herein, except as specially provided in the previous sections of this act."

N. G. SHELLEY,

Chairman Senate Committee.

W. D. WOOD,

Chairman House Committee.

Adopted.

On motion of Senator Gaines, the rules were suspended, and House bill No. 859, "An act to prohibit the sale of liquor within three miles of Prairie Grove Church and Seminary, in Hill county, and Evergreen, in Washington county, Texas," was taken up, read second time, and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Randle, the rules were suspended, and House bill No. 826, "An act to validate a bounty land warrant, issued to the heirs of William Fishbaugh, deceased," was read second time, and passed to third reading; rules suspended, read third time, and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Finlay, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

On motion of Senator Dohoney, the rules were sus-



pending, and House bill No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company," was taken up, read second time and passed to third reading.

The rules were suspended, bill read third time and passed by the following vote :

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dohoney, Ford, Finlay, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Saylor, Swift, Tendick and Word—19.

Nays—Senators Dillard and Shelley—2.

On motion of Senator Dillard, the rules were suspended, and House bill No. 131, "An act for the relief of Obediah Marsh," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

Senator Pyle moved to reconsider the vote by which the Senate passed substitute for House bill No. 712, "An act limiting the amount of bonds to be issued to the International Railroad Company, and to provide for their payment."

On motion of Senator Broughton, the rules were suspended to take up Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

The bill was read second time and ordered engrossed; rules further suspended, the bill read third time and passed.

Senator Broughton introduced a memorial signed by members of the bar of Sherman, relative to the organization of a criminal court for Dallas, McKinney and Sherman.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 51, "An act for the relief of sureties upon official bonds."

Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

On motion of Senator Hall, the rules were suspended to take up House bill No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail and for other improvements."



The bill was read second time and passed to a third reading; rules further suspended, read third time and passed.

The special order for this hour, viz., House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," was taken up.

The report of the Committee on Private Land Claims, recommending amendments, was adopted.

Senator Saylor proposed to amend by adding the following: "To F. Deadrick one-third of a league of land, and to George M. Deadrick or heirs one-third of a league of land." Adopted.

Senator Henry proposed to amend as follows: Amend by adding, "To J. M. Douglass, as assignee of John H. Updike, twelve hundred and eighty acres." Adopted.

Senator Cole proposed to amend as follows: "To the widow of Captain David N. Burke, deceased, of the Mobile Greys, a donation of six hundred and forty acres." Adopted.

The bill as amended was then passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Saylor, Swift and Tendick—19.

Nays—Senators Broughton and Word—2.

On motion of Senator Tendick, the rules were suspended to take up House bill No. 871, "An act to amend section two of an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1866."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Swift, Tendick and Word—20.

On motion of Senator King, the rules were suspended to take up Senate bill No. 312, "An act for the relief of G. Hoffman."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:



Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Saylor, Shelley, Swift, Tendick and Word—20.

On motion of Senator Avinger, the rules were suspended to take up House bill No. 668, "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

On motion of Senator Ball the rules were suspended to take up House bill No. 388, "An act providing for an election to permanently locate the county seat of Hill county."

Senator Pyle moved to indefinitely postpone the bill, and on that motion moved a call of the Senate. Call sustained.

Absent—Senators Evans, Broughton, Latimer, Tracy and Mr. President.

On motion of Senator Pyle the call was suspended.

The question then being on the adoption of the motion offered by Senator Pyle to indefinitely postpone the bill, the same was put and carried by the following vote:

Yeas—Senators Baker, Cole, Evans, Ford, Fountain, Franks, Gaines, Hall, Pyle, Randle, Ruby, Sayers and Tendick—13.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Henry, King, Shelley and Word—8.

On motion of Senator Dillard the rules were suspended to take up Senate bill No. 225, "An act to amend the twenty-second section of an act to consolidate into one act and to amend the several acts incorporating the town of Rusk."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Franks, House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties," was made special order for 9:20 o'clock A. M. to-morrow.



A message was received from the House informing the Senate that the House concurred in Senate amendments to House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company, and aid in the construction of the same," and that the House had refused to concur in Senate amendments to House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers."

On motion of Senator Sayers, the rules were suspended to take up House bill No. 961, "An act to amend sections twenty-nine and forty-three of an act concerning private corporations."

The bill was read second time, and on motion of Senator Sayers, made special order for to-morrow at 11:30 o'clock A. M.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

Senate bill No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof, approved April 15, 1873."

Senate bill No. 210, "An act to change the line between the counties of Burnet and Lampasas."

Senate bill No. 245, "An act to authorize the sale of portions of the public domain."

Senate bill No. 277, "An act to authorize the county court of Mason county to issue interest-bearing bonds to pay the outstanding indebtedness of said county."

Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas."

HENRY C. KING, Chairman.

On motion of Senator King, the rules were suspended to take up House bill No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas issued to John R. Cunningham, September 1, 1851."

The bill was read second time; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Hall, King.



Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Tendick and Word—20.

On motion of Senator Ball, the rules were suspended to take up House bill No. 104, "An act to amend section four of an act entitled an act to incorporate Payne Female Institute, approved August 6, 1856."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—22.

On motion of Senator Ruby, the rules were suspended to take up House bill No. 868, "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842."

The bill was read second time, and the report of the committee, recommending amendments, adopted.

The bill then passed to a third reading; rules suspended, read third time and passed.

On motion of Senator Fountain, the rules were suspended to take up Senate bill No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870."

On motion of Senator Pyle, the bill was recommitted to the Committee on Internal Improvements.

On motion of Senator Saylor, the rules were suspended to take up House bill No. 547, "An act to incorporate Davilla Institute, in Milam county."

The bill was read second time and passed to a third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Shelley, Sayers, Saylor, Swift, Tendick and Word—22.

On motion of Senator Sayers, Senator Ball was excused from attendance on the Senate for the evening.

On motion of Senator Henry, the rules were suspended to take up Senate bill No. 318, "An act for the relief of Richard S. Walker."

The bill was read second time and ordered engrossed;



rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

On motion of Senator Fountain, the rules were suspended to take up House joint resolution No. 484, in relation to printing railroad charters.

The question being on the final passage of the bill, the same was put and the bill passed.

On motion of Senator Franks, the rules were suspended to take up House bill No. 711, "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August, 13, 1870."

The bill was read second time and passed to a third reading; rules suspended, the bill read third time and passed.

A message was received from the House informing the Senate that the House had passed House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

On motion of Senator Evans, the rules were suspended to take up House bill No. 901, "An act to incorporate the towns of Farmersville, Plano and Weston, in Collin county."

The bill was read second time, and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Shelley, the rules were suspended to take up Senate bill No. 261, "An act to prevent the sale or gift of intoxicating or spirituous liquors within three miles of Palo Alto Institute, in Bell county."

The bill was read second time and ordered engrossed; rules further suspended, the bill read third time and passed.

On motion of Senator Sayers, House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," was referred to the Committee on Internal Improvements.

Senator Finlay moved a reconsideration of the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railroad Company."



Senator Finlay then moved to adjourn to 9 o'clock A. M. to-morrow. Carried by the following vote:

Yeas—Senators Avinger, Baker, Cole, Ford, Fountain, Franks, Gaines, Hall, Pyle, Randle, Saylor, Sayers, Swift and Mr. President—14.

Nays—Senators Dohoney, Henry, King, Shelley, and Word—5.

SENATE CHAMBER.

AUSTIN, TEXAS, May 30, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Dillard the reading of the journal of yesterday was dispensed with.

On motion of Senator Pyle the journal was corrected so as to show that he did on yesterday move to reconsider the vote passing Senate substitute for House bill No. 712, "An act granting lands to the International Railroad."

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 939, entitled "An act to amend article seven hundred and two of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," after a careful examination thereof, instruct me to report the same back to your honorable body with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House joint resolution No. 944, entitled "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards," instruct me to report the same back and recommend its passage.

JOHN L. HENRY, Chairman.

On motion of Senator Henry the rules were suspended and the resolution and report taken up.

The resolution was read second time and passed to a third reading; rules further suspended, the resolution read third time and passed.